

DETAILED ACTION

Status

1. Claims 1-3 and 5-21, filed June 19th, 2008, are pending.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted 06/19/2008 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner. Please refer to applicants' copy of the 1449 form submitted herewith.

Election by Original Presentation

3. Newly submitted claims 1-3 and 5-21 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The original composition claim 1 and the new method (amended) claim 1 are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the composition could be used by simply forming a film on a substrate and treating the film with heat and/or light as disclose in claim 4 as filed on July 14th, 2005.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1-3 and 5-21 are

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withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Non-Responsive Amendment

4. The amendment filed on June 19th, 2008 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because original presentation, and as explained above, the two invention are distinct and independent.

Response to Applicants' Remarks

5. Applicant's arguments filed September 26th, 2008 have been fully considered but they are not persuasive.

Applicants assert (p. 3, para 3) that claim 1 is within the same statutory class as original claim 4 and directed to the same general subject matter thereof.

In response, the independent claim 1 is not directed to the same general subject matter of original claim 4 that was examined in the previous Office Action but to a new method of forming a silicon-aluminum film on a primer coat located

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on a substrate, where the primer coat features additional metal atoms selected from the group consisting of Ti, Pd, and Al.

Conclusion

-- Claims 1-3 and 5-21 are withdrawn

-- No claims are allowed

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark L. Shevin whose telephone number is (571) 270-3588 and fax number is (571) 270-4588. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy V. King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark L. Shevin/

/Roy King/

Supervisory Patent Examiner, Art Unit 1793

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January 5th, 2009